HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 2653 OF 2007

DATED: 26.2.2007

Between:

P.Arjuna Rao and others

.Petitioners

and

The District Collector,East Godavari at Kakinada and others

…Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.2653 OF 2007

ORAL ORDER:

The petitioners' lands in an extent of Ac.1.25 cents in Sy.No.297/10, Ac.0.38 cents in Sy.No.299/1,Ac.0.20 cents in Sy.No.297/5, Ac.0.19 cents in Sy.No.297/6, Ac.1.23 cents in Sy.No.297/10, Ac.0.38 cents in Sy.No.297/6, Ac.1.27 cents in Sy.No.297/6 situated at Rameswaram village, Pedapudi Mandal, East Godavari District were proposed for acquisition under Sec.4(1) of the Land Acquisition Act,1894 (for short "the Act") by a publication on 05-06-2006. Enquiry under Sec.5-A of the Act was dispensed with but the petitioners nevertheless lodged their objections. They also filed a writ petition aggrieved by the ritualistic invocation of urgency. This Court, in W.P.No.17557 of 2006, by the judgment dated.25-08-2006 declared the invocation of urgency to be irrational and directed to conduct enquiry under Sec.5-A of the Act. Consequently the respondents issued notices to the petitioners soliciting their objections and the petitioners lodged their objections on 12-10-2006.

The 1st respondent, in a detailed and on a cogent analysis of the objections, by his order dated.19-01-2007 rejected the objections of the petitioners to the acquisition process and directed pursuit of further process of acquisition. Declaration under Sec.6 of the Act has also been issued on 21-09-2006. The petitioners assail the draft declaration under Sec.6 of the Act contending *inter alia* that the objections of the

petitioners were not satisfactorily disposed of. The petitioners raised several objections including (by the 1st petitioner) that he is 73 years old, had lost his wife, has no male issues and only five daughters who were married. The 1st respondent painstakingly considered each of the several objections including that one of the petitioners is a small farmer; that the properties are valuable; that there are other lands more suitable for acquisition for house sites; that livelihood would be affected and the like and rejected each one of these objections for cogent reasons.

This court discerns no infirmity in the order of the 1st respondent rejecting the petitioners' objections to the acquisition of the lands. For exercise of the power of *eminent domain* the State need not obtain the consent of the landowner. The Act is in the nature of a compulsory purchase Act where the owner of the land is entitled to sumptuous compensation by way of market value, additional market value, solatium as well as interest on the compensation amount in case of delayed payment of compensation. There is thus comprehensive and salutary compensation paid for acquisition of lands. The acquisition is a State action for effectuating its substantive policy of providing houses for weaker sections. It is not to be lightly interfered with in the absence of gravest of technical errors. This Court is shown no such errors warranting interference. There are no merits in the writ petition.

The writ petition is accordingly dismissed. In the circumstances there shall be no order as to costs.

GODA RAGHURAM,J

26th FEBRUARY,2007
***TSNR**